IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

WP(C).No. 8943 of 2007(M)

PETITIONERS:

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1. VARGHESE PAPPACHAN @ SHAJI,
   AGED 44 YEARS, S/O.PAPPACHAN,
   NITHYA BHAVAN, VETTUVENI MURI,
   KARTHIKAPPALLY VILLAGE, ALAPPUZHA.

2. VARGHESE @ VARGHESE EAPEN, S/O.EAPEN,
   RESIDING AT PUNNUTHARA KANDATHIL,
   PUTHUKUNDOM MURI, KARTHIKAPPALLY VILLAGE,
   ALAPPUZHA.

BY ADV. SRI.M.R.ARUN KUMAR

RESPONDENTS:

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1. KATHIKAPPALLY PANCHAYATH,
   REPRESENTED BY ITS SECRETARY,
   KARTHIKAPPALLY VILLAGE, ALAPPUZHA.

2. THE SECRETARY,
   KARTHIKAPPALLY PANCHAYATH,
   KATHIKAPPALLY VILLAGE, ALAPPUZHA.

BY ADV. SRI.P.SREEKUMAR
SRI.K.S.MANU (PUNUKKONNOOR)

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No. 8943 of 2007

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Dated this the 22nd day of August, 2007

JUDGMENT

The prayers in the writ petition are for a direction to the second respondent to implement the decisions taken by the 1st respondent with regard to the numbering of shop rooms owned by the petitioners. The case of the petitioners in brief is as follows:

First petitioner is the owner of half cent of property. A shop room is situated in the property. The second petitioner is the owner of another one storied shop room bearing No.K.P.IV/85 by virtue of sale deed. The case of the petitioners is that due to old age and the new construction of a bridge in front of both the buildings, petitioners renovated the building and one more room was constructed on the ground floor as per the rules. The first petitioner was served with a notice for the purpose of demolishing and removing the building owned him. Explanation was given as Ext.P7. Ext. P8 is another notice issued to the first petitioner calling for demolition. Ext.P9 is a like notice to the second petitioner. Petitioners preferred appeals as

Exts.P10 and P11. Exts. P12 and P13 are the copies of applications filed by the petitioners before the Committee for issuance of numbers to the shop rooms. It is his case that the Panchayat Committee has taken a decision in favour of the petitioners to number the buildings owned by the petitioners and even though a direction was given to the second respondent, it is not being implemented.

2. I heard learned counsel for the respondents, who has read out the resolution actually taken by the Committee. Learned counsel for the petitioner points out that the Panchayat Committee has taken note of the fact that similar buildings have been ordered to be numbered. Counsel for the Panchayat submits that it is true that there is reference to the fact that buildings are numbered. But he points out that the Secretary objected to the decision taken by the Committee not to demolish the building and it was decided to refer the matter to the Government and the matter is to be considered by the Government in accordance with law. He submits that the buildings of the petitioners will not be demolished till a decision is taken by the Government. Counsel for the petitioners submits that the buildings may be ordered

to be numbered in view of the decision of the Committee and it is stated that the rooms were already numbered in the previous years. I am of the view that it may not be open to the petitioner to seek a direction to number the building in view of the dissent of the Secretary.

Recording the submission of the Panchayat it is ordered that the buildings of the petitioners in question will not be demolished unless and until a decision is taken by the Government. It is open to the petitioners to move the Government in the matter.

(K.M. JOSEPH, JUDGE)

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